

Remarks

Preliminary Remarks

Claims 1-20 are pending in the application. The issues in the application are as follows:

- Claims 1-5, 8-12, and 15-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2005/0034029 to Ramberg et al. (hereinafter, “Ramberg”) in view of U.S. Patent No. 6,336,175 to Shaath et al. (hereinafter, “Shaath”).
- Claims 6-7, 13-14 and 19-20 have been objected to as being dependent upon a rejected based claim, but were deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicant hereby traverses the outstanding rejections and requests reconsideration and withdrawal in light of the remarks contained herein.

Claim amendments

Dependent claims 17-20 have been amended to make the preamble thereof consistent with the independent claim (claim 15) from which they ultimately depend. No new matter has been added to claims 17-20 by virtue of this amendment.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1-5, 8-12, and 15-18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramberg in view of Shaath.

The Applicant respectfully disagrees that claims 1-5, 8-12, and 15-18 are obvious over Ramberg in view of Shaath as will be described in detail below.

As a starting point, MPEP 706.02(j) states:

"[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the cited references themselves or in the knowledge generally

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1 available to one of ordinary skill in the art, to modify the reference or to
2 combine the reference teachings. Second, there must be a reasonable
3 expectation of success. Finally, the prior art reference (or references
4 when combined) must teach or suggest all the claim limitations. The
teaching or suggestion to make the claimed combination and the
reasonable expectation of success must both be found in the prior art and
not based on applicant's disclosure." (Emphasis added.)

5 In the following arguments, the Applicant will focus in particular on independent
6 claims 1, 8 and 15 as the Applicant believes those claims to be allowable over Ramberg
7 in view of Shaath. It is axiomatic that any dependent claim which depends from an
8 allowable base claim is also allowable, and therefore the Applicant does not believe it is
9 necessary to present arguments in favor of each and every claim that depends from
10 claim 1, 8 and 15 respectively.

11

12 Claim 1

13 The Applicant contends that claim 1, and claims 2-5 that depend therefrom, are not
14 rendered obvious over Ramberg in view of Shaath. Claim 1 recites:

15

16 A method for transferring data between a local device and a remote
17 device over a network, said local device having a communication
18 architecture having at least an application layer and an interceptor layer,
19 said method comprising:
20

21 receiving by said interceptor layer a first command from said
22 application layer, said first command specifying a first plurality of identifiers
23 wherein said first command is configured to return an associated value for
24 each identifier of said plurality of identifiers; and

25

26 issuing a second command by said interceptor layer, said
27 second command specifying a second plurality of identifiers wherein said
28 second command is configured to return a next identifier and associated
29 value for each identifier of said another plurality of identifiers in response to
30 said receiving of said first command.

(Emphasis added).

1 The Office action states that Ramberg teaches “a method for transferring data
2 between a local device and a remote device over a network.” The Office action also
3 states that Ramberg teaches “wherein the command specifies a plurality of identifiers
4 and first command is configured to return an associated value for each identifier of said
5 plurality of identifiers and issuing a second command by said interceptor layer, said
6 second command specifying a second plurality of identifiers wherein said second
7 command is configured to return a next identifier and an associated value for each
8 identifier of another plurality of identifiers in response to said first command.” (Office
9 action, page 2-3.) The Office action further states that Ramberg “fails to teach local
10 device having a communication architecture having at least an application layer and an
11 interceptor layer.” Clearly, Ramberg cannot disclose “issuing a second command by
12 said interceptor layer” if, as the Examiner recites, Ramberg “fails to teach an interceptor
13 layer”. For this reason, Ramberg alone fails to disclose, teach or suggest all of the
14 limitations of the Applicant’s claim 1. Furthermore, the Examiner cites page 4,
15 paragraph [0042] of Ramberg in support of the rejection. A closer reading of the cited
16 portion of Ramberg shows that Ramberg merely provides an explanation of the basic
17 SNMP functions, “Set,” “Get” and “Get-Next.” Furthermore, Ramberg teaches that “[i]f
18 the ‘Get’ or ‘Get-Next’ requests provide an invalid OID or community name, an error is
19 returned.” As described in Applicant’s specification, the purpose of **“issuing a second**
20 **command”** is to **avoid** return of an error message (see, Specification, page 9. lines 6-9),
21 whereas the basic SNMP “Get-Next” function described by Ramberg **generates** an error
22 message. The simple recitation by Ramberg of the term “Get-Next” does not render
23 Applicant’s claim 1 obvious, as the Examiner asserts.

24 As stated above, **the prior art reference** (or references when combined) **must**
25 **teach or suggest all the claim limitations**. Neither Ramberg nor Shaath disclose, teach
or even suggest **“issuing a second command by said interceptor layer, said second**
command specifying a second plurality of identifiers wherein said second command is

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1 configured to return a **next** identifier and associated value for each identifier of said
2 another plurality of identifiers in response to said receiving of said first command" as
3 required by Applicant's claim 1. Rather Ramberg is directed to a "system and method
4 for remotely diagnosing and repairing a plurality of device platforms" (Ramberg,
5 Abstract), which is wholly unrelated to that which is recited in Applicant's claim 1 and
6 taught by the Applicant's specification in support thereof. Furthermore, Shaath does not
7 cure the deficiencies of Ramberg. Specifically, Shaath does not disclose a first
8 command received to an interceptor layer that specifies "a first plurality of identifiers", or
9 that the "first command is configured to return an associated value for each identifier of
10 said plurality of identifiers," as recited in Applicant's claim 1.

11 Additionally, while Shaath discloses that "some requests are blocked and error
12 messages are returned to the application layer", and "[o]ther requests are modified and
13 the modified request passed onto the file system," Shaath does not disclose "**issuing a**
14 **second command**" "configured to return a **next** identifier and associated value for each
15 identifier of said another plurality of identifiers in response to said receiving of said first
16 command," as recited in Applicant's claim 1. For example, Shaath cites that "[w]hen a
17 data store is read only, a request to open a file for read write access is modified to an
18 open file for read-only access; a request to delete a file is blocked and an error message
19 is returned." (Shaath, col 7, lines 28-45.) Specifically, neither a "**next**" identifier nor an
20 "**associated value**" are disclosed by Shaath. Furthermore, as described in Applicant's
21 specification, the purpose of a **next** identifier is to **avoid** return of an error message
22 (see, Specification, page 9, lines 6-9), whereas the system described by Shaath also
23 generates an error message.

24 Accordingly, since Applicant's claim 1 includes limitations not disclosed by
25 Ramberg or Shaath, there can be no obviousness of Applicant's claim 1 in light of these
 references.

1 In order to maintain a rejection under 35 U.S.C. § 103(a), the cited art **must**
2 teach or suggest **all** the claim limitations, and the teaching or suggestion to make the
3 claimed combination and the reasonable expectation of success must both be found in
4 the prior art and not based on applicant's disclosure. However, it is evident that the
5 references could only have been selected and combined to reject the claims by using
6 the impermissible hindsight knowledge learned from Applicant's teachings. For
7 example, it appears the Examiner selected Ramberg for its use of the generic SNMP
8 definition of a "Get-Next" function and then to make up for the deficiencies in Ramberg, it
9 appears that the Examiner selected Shaath for its use of a "trap layer" even though the
10 "trap layer" described by Shaath does not function in the same way as an "interceptor
11 layer" as recited in Applicants' claim 1. Specifically, the "trap layer" of Shaath does not
12 issue a second command "specifying a second plurality of identifiers wherein said
13 second command is configured to return a **next** identifier and associated value for each
14 identifier," as recited in Applicant's claim 1. Clearly, Applicant's teachings were
15 impermissibly used to combine the references in an attempt to piece together Applicant's
16 claim 1.

17 As previously stated, in order to support a § 103(a) rejection, there must be some
18 teaching, suggestion, or motivation, other than Applicant's teachings, for modifying a
19 cited reference, or combining references, to achieve the claimed invention. The Office
20 action does not indicate any suggestion or motivation in the prior art of record, either
21 explicit or otherwise, for modifying the references, or combining the references, in a
22 manner that would achieve the claimed invention. The Examiner has not pointed out
23 any teaching in the references as to how such a modification or combination might be
24 accomplished, or what might be accomplished by such a combination that is even
25 relevant to Applicant's claim 1.

 In the Office action it is alleged that it would be obvious to one of ordinary skill at
the time the invention was made to combine the teaching of Shaath with the invention of

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1 Ramberg "in order for the trap layer to limit the request passed onto the file system layer
2 by filtering or modifying the request." (Office Action, section 3.a, paragraph 2.)
3 However, it is clear from the Applicant's disclosure that the invention is directed towards
4 "improving the reliability of a block transfer of data from a server to a client utilizing
5 SNMP protocol objects" (page 1, lines 4-7), and has nothing to do with limiting requests
6 passed to a file system layer. In fact, the portion of Shaath (col. 9, lines 40-57) cited in
7 the Office action to support the allegation that it would be obvious to one of skill in the art
8 to combine the references appears to be directed to a need that is met by the invention
9 of Shaath alone (i.e., limiting requests passed to a file system layer). Furthermore, there
10 is no reason why one would combine the teachings of Shaath (directed towards "a
11 method of providing restricted access to a storage medium in communication with a
12 computer" – Shaath, claim 1 preamble) with the teachings of Ramberg (directed towards
13 "system and method for remotely diagnosing and repairing a plurality of device
14 platforms" – Ramberg, Abstract), or visa-versa. Moreover, there is no reason why
15 anyone would apply the teachings of Shaath (for "a method of providing restricted
16 access to a storage medium in communication with a computer") to an invention
17 pertaining to "a method for transferring data between a local device and a remote device
18 over a network" (Applicant's claim 1 preamble). Accordingly, there is simply no
19 suggestion or motivation whatsoever, either in the references or to one of skill in the art,
20 to combine and/or modify the references to arrive at Applicant's claim 1.

21 Furthermore, even if the references were combinable, which they are not, the
22 result would not reach the Applicant's claim 1. A combination of Ramberg and Shaath
23 would merely result in a system and method for remotely diagnosing and repairing a
24 plurality of device platforms while restricting file access to a storage medium, which is
25 not what is claimed by the Applicant. In order to reach the limitations of Applicant's
claim 1, the references would require modification far beyond what is taught or
suggested by Ramberg or Shaath, or would be apparent to one of skill in the art at the

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1 time the invention was made. The Applicant therefore strongly disagrees with the
2 Examiner's contention that it would be "obvious to one with ordinary skill in the art" to
3 modify or combine the references to arrive at Applicant's claim 1.

4 In light of the above, the rejection of claim 1 as being obvious over Ramberg in
5 view of Shaath is unsupportable, and the Applicant therefore requests that the rejection
6 of claim 1 be withdrawn. Since it is axiomatic that a claim which depends from an
7 allowable base claim cannot be obvious, the Applicant further requests that the rejection
8 of claims 2-5 (which depend from claim 1) also be withdrawn.

9

10 Claim 8

11 The Applicant contends that claim 8, and claims 9-12 that depend therefrom, are not
12 rendered obvious over Ramberg in view of Shaath. Claim 8 recites:

13

14 A system for improving reliability of data transfer, said system comprising:
15 an interface;
16 at least one processor;
17 a memory coupled to said at least one processor;
18 an interceptor client residing in said memory and executed by said at
19 least one processor, wherein said interceptor client is configured to receive
20 by said interceptor layer a first command from said application layer, said
21 first command specifying a first plurality of identifiers wherein said first
22 command is configured to return an associated value for each identifier of
23 said plurality of identifiers, and to issue a second command by said
24 interceptor layer, said second command specifying a second plurality of
25 identifiers wherein said second command is configured to return a next
 identifier and associated value for each identifier of said another plurality of
 identifiers in response to said receiving of said first command.

(Emphasis Added).

1 The Office action states that Ramberg teaches “a method for transferring data
2 between a local device and a remote device over a network.” The Office action also
3 states that Ramberg teaches “wherein the command specifies a plurality of identifiers
4 and first command is configured to return an associated value for each identifier of said
5 plurality of identifiers and issuing a second command by said interceptor layer, said
6 second command specifying a second plurality of identifiers wherein said second
7 command is configured to return a next identifier and an associated value for each
8 identifier of another plurality of identifiers in response to said first command.” (Office
9 action, page 2-3.) The Office action further states that Ramberg “fails to teach local
10 device having a communication architecture having at least an application layer and an
11 interceptor layer.” Clearly, Ramberg cannot disclose “issuing a second command by
12 said interceptor layer” if, as the Examiner recites, Ramberg “fails to teach an interceptor
13 layer”. For this reason, Ramberg alone fails to disclose, teach or suggest all of the
14 limitations of the Applicant’s claim 8. Furthermore, the Examiner cites page 4,
15 paragraph [0042] of Ramberg in support of the rejection. A closer reading of the cited
16 portion of Ramberg shows that Ramberg merely provides an explanation of the basic
17 SNMP functions, “Set;” “Get” and “Get-Next.” Furthermore, Ramberg teaches that “[i]f
18 the ‘Get’ or ‘Get-Next’ requests provide an invalid OID or community name, an error is
19 returned.” As described in Applicant’s specification, the purpose of **“issuing a second**
20 **command”** is to **avoid** return of an error message (see, Specification, page 9, lines 6-9),
21 whereas the basic SNMP “Get-Next” function described by Ramberg **generates** an error
22 message. The simple recitation by Ramberg of the term “Get-Next” does not render
23 Applicant’s claim 8 obvious, as the Examiner asserts.

24 As stated above, **the prior art reference** (or references when combined) **must**
25 **teach or suggest all the claim limitations**. Neither Ramberg nor Shaath disclose, teach
or even suggest **“issuing a second command by said interceptor layer, said second**
command specifying a second plurality of identifiers wherein said second command is

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1 configured to return a **next** identifier and associated value for each identifier of said

2 another plurality of identifiers in response to said receiving of said first command” as

3 required by Applicant’s claim 8. Rather Ramberg is directed to a “system and method

4 for remotely diagnosing and repairing a plurality of device platforms” (Ramberg,

5 Abstract), which is wholly unrelated to that which is recited in Applicant’s claim 8 and

6 taught by the Applicant’s specification in support thereof. Furthermore, Shaath does not

7 cure the deficiencies of Ramberg. Specifically, Shaath does not disclose a first

8 command received to an interceptor layer that specifies “a first plurality of identifiers”, or

9 that the “first command is configured to return an associated value for each identifier of

10 said plurality of identifiers,” as recited in Applicant’s claim 8.

11 Additionally, while Shaath discloses that “some requests are blocked and error

12 messages are returned to the application layer”, and “[o]ther requests are modified and

13 the modified request passed onto the file system,” Shaath does not disclose “**issuing a**

14 **second command**” “configured to return a **next** identifier and associated value for each

15 identifier of said another plurality of identifiers in response to said receiving of said first

16 command,” as recited in Applicant’s claim 8. For example, Shaath cites that “[w]hen a

17 data store is read only, a request to open a file for read write access is modified to an

18 open file for read-only access; a request to delete a file is blocked and an error message

19 is returned.” (Shaath, col 7, lines 28-45.) Specifically, neither a “**next**” identifier nor an

20 “**associated value**” are disclosed by Shaath. Furthermore, as described in Applicant’s

21 specification, the purpose of a **next** identifier is to **avoid** return of an error message

22 (see, Specification, page 9. lines 6-9), whereas the system described by Shaath also

23 generates an error message.

24 Accordingly, since Applicant’s claim 8 includes limitations not disclosed by

25 Ramberg or Shaath, there can be no obviousness of Applicant’s claim 1 in light of these

 references.

1 In order to maintain a rejection under 35 U.S.C. § 103(a), the cited art **must**
2 teach or suggest **all** the claim limitations, and the teaching or suggestion to make the
3 claimed combination and the reasonable expectation of success must both be found in
4 the prior art and not based on applicant's disclosure. However, it is evident that the
5 references could only have been selected and combined to reject the claims by using
6 the impermissible hindsight knowledge learned from Applicant's teachings. For
7 example, it appears the Examiner selected Ramberg for its use of the generic SNMP
8 definition of a "Get-Next" function and then to make up for the deficiencies in Ramberg, it
9 appears that the Examiner selected Shaath for its use of a "trap layer" even though the
10 "trap layer" described by Shaath does not function in the same way as an "interceptor
11 layer" as recited in Applicants' claim 8. Specifically, the "trap layer" of Shaath does not
12 issue a second command "specifying a second plurality of identifiers wherein said
13 second command is configured to return a **next** identifier and associated value for each
14 identifier," as recited in Applicant's claim 8. Clearly, Applicant's teachings were
15 impermissibly used to combine the references in an attempt to piece together Applicant's
16 claim 1.

17 As previously stated, in order to support a § 103(a) rejection, there must be some
18 teaching, suggestion, or motivation, other than Applicant's teachings, for modifying a
19 cited reference, or combining references, to achieve the claimed invention. The Office
20 action does not indicate any suggestion or motivation in the prior art of record, either
21 explicit or otherwise, for modifying the references, or combining the references, in a
22 manner that would achieve the claimed invention. The Examiner has not pointed out
23 any teaching in the references as to how such a modification or combination might be
24 accomplished, or what might be accomplished by such a combination that is even
25 relevant to Applicant's claim 8.

 In the Office action it is alleged that it would be obvious to one of ordinary skill at
the time the invention was made to combine the teaching of Shaath with the invention of

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1 Ramberg "in order for the trap layer to limit the request passed onto the file system layer
2 by filtering or modifying the request." (Office Action, section 3.a, paragraph 2.)
3 However, it is clear from the Applicant's disclosure that the invention is directed towards
4 "improving the reliability of a block transfer of data from a server to a client utilizing
5 SNMP protocol objects" (page 1, lines 4-7), and has nothing to do with limiting requests
6 passed to a file system layer. In fact, the portion of Shaath (col. 9, lines 40-57) cited in
7 the Office action to support the allegation that it would be obvious to one of skill in the art
8 to combine the references appears to be directed to a need that is met by the invention
9 of Shaath alone (i.e., limiting requests passed to a file system layer). Furthermore, there
10 is no reason why one would combine the teachings of Shaath (directed towards "a
11 method of providing restricted access to a storage medium in communication with a
12 computer" – Shaath, claim 1 preamble) with the teachings of Ramberg (directed towards
13 "system and method for remotely diagnosing and repairing a plurality of device
14 platforms" – Ramberg, Abstract), or visa-versa. Moreover, there is no reason why
15 anyone would apply the teachings of Shaath (for "a method of providing restricted
16 access to a storage medium in communication with a computer") to an invention
17 pertaining to "a method for transferring data between a local device and a remote device
18 over a network" (Applicant's claim 1 preamble). Accordingly, there is simply no
19 suggestion or motivation whatsoever (either in the references or to one of skill in the art)
20 to combine and/or modify the references to arrive at Applicant's claim 8.

21 Furthermore, even if the references were combinable, which they are not, the
22 result would not reach the Applicant's claim 8. A combination of Ramberg and Shaath
23 would merely result in a system and method for remotely diagnosing and repairing a
24 plurality of device platforms while restricting file access to a storage medium, which is
25 not what is claimed by the Applicant. In order to reach the limitations of Applicant's
claim 8, the references would require modification far beyond what is taught or
suggested by Ramberg or Shaath, or would be apparent to one of skill in the art at the

1 time the invention was made. The Applicant therefore strongly disagrees with the
2 Examiner's contention that it would be "obvious to one with ordinary skill in the art" to
3 modify or combine the references to arrive at Applicant's claim 8.

4 In light of the above, the rejection of claim 8 as being obvious over Ramberg in
5 view of Shaath is unsupportable, and the Applicant therefore requests that the rejection
6 of claim 8 be withdrawn. Since it is axiomatic that a claim which depends from an
7 allowable base claim cannot be obvious, the Applicant further requests that the rejection
8 of claims 9-12 (which depend from claim 8) also be withdrawn.

9 Claim 15

10 The Applicant contends that claim 15, and claims 16-18 that depend therefrom, are
11 not rendered obvious over Ramberg in view of Shaath. Claim 15 recites:

12
13 A computer readable storage medium on which is embedded one or
14 more computer programs, said one or more computer programs
15 implementing a method for improving reliability of data transfer, said one or
more computer programs comprising a set of instructions for:

16 receiving by said interceptor layer a first command from said
17 application layer, said first command specifying a first plurality of identifiers
18 wherein said first command is configured to return an associated value for
each identifier of said plurality of identifiers; and

19 issuing a second command by said interceptor layer, said second
20 command specifying a second plurality of identifiers wherein said second
21 command is configured to return a next identifier and associated value for
each identifier of said another plurality of identifiers in response to said
22 receiving of said first command.

23
24 As discussed above with reference to claims 1 and 8, the Office action states that
25 Ramberg teaches "a method for transferring data between a local device and a remote
device over a network." The Office action also states that Ramberg teaches "wherein
the command specifies a plurality of identifiers and first command is configured to return

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1 an associated value for each identifier of said plurality of identifiers and issuing a second
2 command by said interceptor layer, said second command specifying a second plurality
3 of identifiers wherein said second command is configured to return a next identifier and
4 an associated value for each identifier of another plurality of identifiers in response to
5 said first command." (Office action, page 2-3.) The Office action further states that
6 Ramberg "fails to teach local device having a communication architecture having at least
7 an application layer and an interceptor layer." Clearly, Ramberg cannot disclose "issuing
8 a second command by said interceptor layer" if, as the Examiner recites, Ramberg "fails
9 to teach an interceptor layer". For this reason, Ramberg alone fails to disclose, teach or
10 suggest all of the limitations of the Applicant's claim 15. Furthermore, the Examiner
11 cites page 4, paragraph [0042] of Ramberg in support of the rejection. A closer reading
12 of the cited portion of Ramberg shows that Ramberg merely provides an explanation of
13 the basic SNMP functions, "Set," "Get" and "Get-Next." Furthermore, Ramberg teaches
14 that "[i]f the 'Get' or 'Get-Next' requests provide an invalid OID or community name, an
15 error is returned." As described in Applicant's specification, the purpose of a "issuing a
16 second command" is to avoid return of an error message (see, Specification, page 9,
17 lines 6-9), whereas the basic SNMP "Get-Next" function described by Ramberg
18 generates an error message. The simple recitation by Ramberg of the term "Get-Next"
19 does not render Applicant's claim 15 obvious, as the Examiner asserts.

20 As stated above, the prior art reference (or references when combined) must
21 teach or suggest all the claim limitations. Neither Ramberg nor Shaath disclose, teach
22 or even suggest "**issuing a second command by said interceptor layer**, said second
23 command specifying a second plurality of identifiers wherein said second command is
24 configured to return a next identifier and associated value for each identifier of said
25 another plurality of identifiers in response to said receiving of said first command" as
required by Applicant's claim 15. Rather Ramberg is directed to a "system and method
for remotely diagnosing and repairing a plurality of device platforms" (Ramberg,

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1 Abstract), which, while quite interesting, is wholly unrelated to that which is recited in
2 Applicant's claim 15 and taught by the Applicant's specification in support thereof.
3 Furthermore, Shaath does not cure the deficiencies of Ramberg. Specifically, Shaath
4 does not disclose a first command received to an interceptor layer that specifies "a first
5 plurality of identifiers", or that the "first command is configured to return an associated
6 value for each identifier of said plurality of identifiers," as recited in Applicant's claim 15.

7 Additionally, while Shaath discloses that "some requests are blocked and error
8 messages are returned to the application layer", and "[o]ther requests are modified and
9 the modified request passed onto the file system," Shaath does not disclose "**issuing a**
10 **second command**" "configured to return a next identifier and associated value for each
11 identifier of said another plurality of identifiers in response to said receiving of said first
12 command," as recited in Applicant's claim 15. For example, Shaath cites that "[w]hen a
13 data store is read only, a request to open a file for read write access is modified to an
14 open file for read-only access; a request to delete a file is blocked and an error message
15 is returned." (Shaath, col 7, lines 28-45.) Specifically, neither a "next" identifier nor an
16 "**associated value**" are disclosed by Shaath. Furthermore, as described in Applicant's
17 specification, the purpose of a next identifier is to **avoid** return of an error message
18 (see, Specification, page 9, lines 6-9), whereas the system described by Shaath also
19 generates an error message.

20 Accordingly, since Applicant's claim 15 includes limitations not disclosed by
21 Ramberg or Shaath, there can be no obviousness of Applicant's claim 1 in light of these
22 references.

23 In order to maintain a rejection under 35 U.S.C. § 103(a), the cited art **must**
24 teach or suggest **all** the claim limitations, and the teaching or suggestion to make the
25 claimed combination and the reasonable expectation of success must both be found in
the prior art and not based on applicant's disclosure. However, it is evident that the
references could only have been selected and combined to reject the claims by using

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1 the impermissible hindsight knowledge learned from Applicant's teachings. For
2 example, it appears the Examiner selected Ramberg for its use of the generic SNMP
3 definition of a "Get-Next" function and then to make up for the deficiencies in Ramberg, it
4 appears that the Examiner selected Shaath for its use of a "trap layer" even though the
5 "trap layer" described by Shaath does not function in the same way as an "interceptor
6 layer" as recited in Applicants' claim 15. Specifically, the "trap layer" of Shaath does not
7 issue a second command "specifying a second plurality of identifiers wherein said
8 second command is configured to return a **next** identifier and associated value for each
9 identifier," as recited in Applicant's claim 15. Clearly, Applicant's teachings were
10 impermissibly used to combine the references in an attempt to piece together Applicant's
11 claim 15. As previously stated, in order to support a § 103(a) rejection, there must be
12 some teaching, suggestion, or motivation, other than Applicant's teachings, for modifying
13 a cited reference, or combining references, to achieve the claimed invention. The Office
14 action does not indicate any suggestion or motivation in the prior art of record, either
15 explicit or otherwise, for modifying the references, or combining the references, in a
16 manner that would achieve the claimed invention. The Examiner has not pointed out
17 any teaching in the references as to how such a modification or combination might be
18 accomplished, or what might be accomplished by such a combination that is even
19 relevant to Applicant's claim 15.

20 In the Office action it is alleged that it would be obvious to one of ordinary skill at
21 the time the invention was made to combine the teaching of Shaath with the invention of
22 Ramberg "in order for the trap layer to limit the request passed onto the file system layer
23 by filtering or modifying the request." (Office Action, section 3.a, paragraph 2.)
24 However, it is clear from the Applicant's disclosure that the invention is directed towards
25 "improving the reliability of a block transfer of data from a server to a client utilizing
SNMP protocol objects" (page 1, lines 4-7), and has nothing to do with limiting requests
passed to a file system layer. In fact, the portion of Shaath (col. 9, lines 40-57) cited in

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1 the Office action to support the allegation that it would be obvious to one of skill in the art
2 to combine the references appears to be directed to a need that is met by the invention
3 of Shaath alone (i.e., limiting requests passed to a file system layer). Furthermore, there
4 is no reason why one would combine the teachings of Shaath (directed towards "a
5 method of providing restricted access to a storage medium in communication with a
6 computer" – Shaath, claim 1 preamble) with the teachings of Ramberg (directed towards
7 "system and method for remotely diagnosing and repairing a plurality of device
8 platforms" – Ramberg, Abstract), or visa-versa. Moreover, there is no reason why
9 anyone would apply the teachings of Shaath (for "a method of providing restricted
10 access to a storage medium in communication with a computer") to an invention
11 pertaining to "a method for transferring data between a local device and a remote device
12 over a network" (Applicant's claim 1 preamble). Accordingly, there is simply no
13 suggestion or motivation whatsoever (either in the references or to one of skill in the art)
14 to combine and/or modify the references to arrive at Applicant's claim 15.

15 Furthermore, even if the references were combinable, which they are not, the
16 result would not reach the Applicant's claim 15. A combination of Ramberg and Shaath
17 would merely result in a system and method for remotely diagnosing and repairing a
18 plurality of device platforms while restricting file access to a storage medium, which is
19 not what is claimed by the Applicant. In order to reach the limitations of Applicant's
20 claim 15, the references would require modification far beyond what is taught or
21 suggested by Ramberg or Shaath, or would be apparent to one of skill in the art at the
22 time the invention was made. The Applicant therefore strongly disagrees with the
23 Examiner's contention that it would be "obvious to one with ordinary skill in the art" to
24 modify or combine the references to arrive at Applicant's claim 15.

25 In light of the above, the rejection of claim 15 as being obvious over Ramberg in
view of Shaath is unsupportable, and the Applicant therefore requests that the rejection
of claim 15 be withdrawn. Since it is axiomatic that a claim which depends from an

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1 allowable base claim cannot be obvious, the Applicant further requests that the rejection
2 of claims 16-18 (which depend from claim 15) also be withdrawn.

3

4 Summary

5 The Applicant believes that this response constitutes a full and complete
6 response to the Office action, and therefore requests timely allowance of claims 1
7 through 20.

8 The Examiner is respectfully requested to contact the below-signed
9 representative if the Examiner believes this will facilitate prosecution toward allowance of
10 the claims.

11 Respectfully submitted,

12 Ernest F. Covelli

13 Date: May 05, 2005 By John S. Reid
14 John S. Reid
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